

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Nick King et al.

Application No.: 09/551,303

Filed: April 18, 2000

For: SYSTEM AND METHOD FOR
CONTROLLING THE SCREEN
DISPLAY APPEARANCE FOR A
DATA PROCESSING SYSTEM

Examiner: Dennis G. Bonshock

Group Art Unit: 2173

Confirmation No.: 1966

Mail Stop Appeal Brief - Patent
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF UNDER 37 C.F.R. § 41.41

Sir:

Pursuant to 37 C.F.R. § 41.41, Appellant is filing this reply brief which addresses certain of the Examiner's points of arguments which were raised in the Examiner's Answer dated February 4, 2008.

CERTIFICATE OF TRANSMISSION

I hereby certify this document is being submitted via EFS-WEB
on: April 2, 2008.
/Andreas J. Radke/
Andreas J. Radke

REMARKS

In the Examiner's answer, the Examiner contended that the claim does not claim an appearance of an enclosure enclosing a microprocessor, but rather "an appearance of an enclosure enclosing a digital processing system including a microprocessor", (see 2/4/2008 Examiner's answer, page 11). Appellant respectfully disagrees.

However, for example, claim 1 clearly specifies a data value representing "an appearance of an enclosure enclosing said digital processing system including a microprocessor, wherein said data value includes a value representing at least one of a machine type and a color of said enclosure of said digital processing system." As discussed in the appeal brief, one with ordinary skill in the art would have interpreted the claim in which the data value represents an appearance of an enclosure of a digital processing system, where the digital processing system includes a microprocessor (e.g., CPU). In addition, the data value represents at least one of a machine type and a color of the enclosure of the digital processing system, as described in Figures 5A-5B; page 8 of the present application.

Thus, the enclosure encloses the system including enclosing the microprocessor of the system (e.g., CPU), where data value represents at least one of a machine type and a color of the enclosure of the digital processing system. A digital processing system is clearly defined in Figure 1; page 6 of the present application.

Although the Examiner can interpret the claims as broad as possible; however, the terms used in the claims should be interpreted in view of the specification of the present application. In this particular embodiment, the claim clearly includes other limitations such as a machine type, etc. which further supports that the enclosure encloses the system including its microprocessor as a CPU.

The Examiner further contended that since “the mouse encompasses a portion of this digital processing system, it is an enclosure of the system” (see 2/4/2008 Examiner’s answer, page 12). However, it is respectfully submitted that one with ordinary skill in the art would not believe that such a mouse encloses a digital processing system including its CPU.

Although col. 8, lines 20-28 of Glaser disclosures that the entire computer in the future can be implemented as a system on a chip configuration which is so small that it may be mounted inside a mouse (as asserted on page 12 of 2/4/2008 Examiner’s answer); however, such a statement is just an abstract statement envision a future mouse device having more functionalities such that “when the mouse is connected to a different computer, the theme and the environment associated with that mouse, along with the user’s computing necessities, become immediately available on the new computer.” See, for example, col. 8, lines 31-34.

Thus, the above section of Glaser discloses that a mouse may include memory to store data that can be transferred to a new computer to set up the operating environment of the new computer. Such a theme retrieved from the mouse is not based on an appearance of an enclosure that encloses the “new computer”, even if, for the sake of the argument, the mouse stored information representing an appearance of an enclosure of the mouse. After all, even if the mouse were considered as a computer having a microprocessor or CPU therein, the “new computer” and the mouse would be two different computers.

The above interpretation is further supported by the specification of Glaser. For example Glaser states:

The present invention is directed to a graphical user interface theme that is associated with, or "tied to," a peripheral that is connected to a computer system. More particularly, the present invention is directed to a computer pointing device, such as a mouse, that can be uniquely identified by the computer system and, upon such identification, a particular graphical user interface (GUI) theme is displayed.

(Glaser, col. 3, lines 23-30, emphasis added).

Thus, the GUI theme of Glaser is not based on an appearance of an enclosure that encloses a “computer system” (including its CPU). Rather, the GUI theme is based on a specific setting within “a peripheral that is connected to” the computer system. As discussed above, such a setting is hardwired within the mouse and is not related to any appearance of any enclosure, even the enclosure of the mouse.

In contrast, the present invention as claimed includes a method which may be performed by a computer program to retrieve a data value representing an appearance of an enclosure that encloses the same computer that executes the computer program and use the data value to determine a display scheme of the same computer. It is respectfully submitted that at least these limitations are absent from Glaser.

For the reasons stated above, as well as those set forth in the appeal brief(s) previously submitted, claims 1-6, 8-13, 15-16, 18-24, 26 and 32-58 are patentable under 35 U.S.C. §103(a) over Glaser. Appellant respectfully requests that the Board reverse the rejections of the claims 1-6, 8-13, 15-16, 18-24, 26 and 32-58 and direct the Examiner to enter a Notice of Allowance for claims 1-6, 8-13, 15-16, 18-24, 26 and 32-58.

Please charge Deposit Account No. 02-2666 for any shortage of fees in connection with this response.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: April 2, 2008

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